

III. REMARKS

1. Claims 17-32, 34-38, and 40-56 remain in the application. Claims 33 and 39 were previously cancelled without prejudice. Claims 17, 24, 45, and 52 have been amended.
2. Applicants respectfully submit that claims 17-32, 34-38, 40-47 and 49-56 are patentable over the combination of Takahara et al. (US 5,381,158, "Takahara") and Kojima et al. (US 6,236,398, "Kojima") under 35 USC 103(a).

The combination of Takahara and Kojima fails to disclose or suggest:

determining the positions of a set of at least two alternatives on a virtual arcuate area surrounding an actual user on the basis of their direction with respect to the user so that the locations of the positions remain substantially the same with respect to the user irrespective of the location of the user;

recognizing a first movement of a body member of the user to a sector on the virtual arcuate area surrounding the user, the sector corresponding to a desired alternative;

recognizing a second movement in the sector corresponding to the desired alternative;
and

in response to the second movement, recognizing a selection of the desired alternative as completed,

as substantially recited by claims 17, 24, 45, and 52.

2.1 Neither reference discloses or suggests determining the positions of a set of at least two alternatives on a virtual arcuate area surrounding an actual user on the basis of their direction with respect to the user so that the locations of the positions remain substantially the same with respect to the user irrespective of the location of the user;

Takahara has no disclosure related to determining the positions of a set of at least two alternatives on a virtual arcuate area surrounding an actual user. Nowhere in the Figures or the description does Takahara disclose or suggest at least two alternatives on a virtual arcuate area. While Takahara shows different arrangements, none are on a virtual arcuate area. In

addition, as disclosed in column 2, lines 53-57, Takahara uses a display unit to display items “in the sight of the user” and not surrounding the user.

Figure 2 of Kojima shows a virtual reality space created on a display screen. A user, two tables and books are shown in the virtual reality space depicted on the display. It is impossible for an actual user to be present on the display screen, only an electronic representation of a user. Thus, there is no virtual arcuate area surrounding an actual user in Kojima.

Neither Takahara nor Kojima are capable of providing any alternatives on a virtual arcuate area surrounding an actual user.

2.2 Neither reference discloses or suggests recognizing a first movement of a body member of the user to a sector on the virtual arcuate area surrounding the user, the sector corresponding to a desired alternative.

The Examiner has properly pointed out that Takahara fails to disclose a first movement of a body member to a sector on an arcuate area surrounding the user. Applicants respectfully submit that Kojima fails to disclose or suggest recognizing a first movement of a body member of the user to a sector on the virtual arcuate area surrounding the user. As argued above, the present claims refer to an actual user, not an electronic representation of a user as disclosed by Kojima. Furthermore, the actual user does not move a body member to a sector to make a selection. Instead, the actual user uses the media selecting device shown in Figure 1. Operation of the media selecting device in no way includes moving a body member of the user to a sector on an arcuate area surrounding the actual user. Column 5, lines 35-46 clearly state:

As stated above, the problems involved in the prior art devices for selecting three-dimensional icons disposed in a virtual three-dimensional space can be solved by a system including the media selecting device according to the present invention, which device can facilitate the selection of any desired medium by using a rotary disc type knob for selecting corresponding ones of three-dimensional icons representing respective media and displayed in one of the hierarchical layers. To select a desired icon from a menu, for example, the knob is turned to place its pointer at a corresponding position and, then, a button of the knob is pressed to select the medium through that icon (Emphasis added).

As described in this section, there is no first movement of a body member of the user to a sector on an arcuate area surrounding the user. Instead, the user operates a rotary knob and a button

on the media selector. Column 6, lines 8-16 elaborate on the construction of the media selecting device.

FIG. 1 is a plan view of a media selecting device according to an aspect of the present invention. This media-selecting device comprises a main body of media selecting device 1, a turning knob 2 for selecting a desired icon, a execution input button (first change-over button) 3 and a cancellation input button (second change-over button) 4. An arrow 5 indicates a selecting direction and characters A-H indicate the direction of the turning knob 2.

Column 6, lines 50-64 provide additional disclosure describing the media selection device:

In the virtual space presented on a screen of the display 9, there is a user 6 surrounded by lower round table 7 and upper round table 8 on which books (d, e, f) are placed. The book "e" on the screen is selected and visually distinguished when the turning knob 2 of the media selecting device (FIG. 1) is turned to position its arrow 5 at position "E". The execution input button 3 of the media selecting device (FIG. 1) is then pressed to call for a program that in turn is executed to automatically transfer the book "e" onto the lower round table 7 and open that book thereon. The media content 10 is presented above the open pages of the book "e". The cancellation input button 4 of the media selecting device (FIG. 1) is now pressed to cancel the program for the book "e". The book "e" is automatically closed and returned onto the lower round table 7.

Applicants reiterate that column 6 of Kojima provides a detailed and unambiguous description of the media selector operation. Lines 17-33 describe Figure 2 as a virtual reality space created on a display screen. Lines 26 through 33 describe how table 8 in Figure 2 may be rotated by moving knob 2 of the media selecting device shown in Figure 1. Lines 29-33 specifically state that any of the books a-h shown in Figure 2 may be selected by turning the knob 2 of the media selecting device shown in Figure 1 to position its pointer to one of the angular positions A-H. It is clear that in Kojima, a user does not move a body member to a sector on an arcuate area surrounding the user. The user moves knob 2 of the media selecting device in Figure 1 to one of positions A-H on the input device and makes no movement toward any of the positions a-h on table 8 in Figure 2. On page 10, lines 17-21 of the final action dated 13 August, 2009, and on the continuation sheet of the advisory action dated 30 October 2009, the Examiner states:

The user uses an input device which involves the user touching the input device, moving both the user's body member to move the input device and placing both the input device along with the body member to a certain sector on the arcuate area that leads to a selection of an alternative.

Applicants respectfully submit that the media selecting device of Figure 1 is never placed along with a body member to a certain sector on an arcuate area. The media selection device is simply operated by hand. Neither the media selecting device nor the user's hand are ever moved to any sector on any arcuate area. There is no arcuate area surrounding the user on the media selecting device, so the user cannot move a body member to a sector on an arcuate area surrounding the user, when operating the media selecting device of Kojima.

2.3 Neither reference discloses or suggests recognizing a second movement in the sector corresponding to the desired alternative. As argued above, in the present claims the sector is on a virtual arcuate area surrounding an actual user and neither reference has the capability to recognize a movement of a body member of the user to a sector on a virtual arcuate area surrounding an actual user. Takahara has no virtual arcuate area surrounding an actual user and Kojima has no actual user surrounded by a virtual arcuate area.

Because the combination of Takahara and Kojima fails to disclose or suggest recognizing the first and second movements of a body member to a sector on an arcuate area surrounding the user, the cited combination cannot disclose or suggest recognizing a selection of the desired alternative as completed in response to the second movement, and providing the recognized selection as an output.

2.4 Neither reference discloses or suggests in response to the second movement, recognizing a selection of the desired alternative as completed, and neither reference discloses or suggests providing the recognized selection as an output.

Because the combination of Takahara and Kojima fails to disclose or suggest recognizing the first and second movements of a body member to a sector on an arcuate area surrounding the user, the cited combination cannot disclose or suggest recognizing a selection of the desired alternative as completed in response to the second movement, and also fails to disclose or suggest providing the recognized selection as an output.

At least for these reasons, the combination of Takahara and Kojima fails to render independent claims 17, 24, 45, and 52 and dependent claims 18-23, 25-32, 34-38, 40-44, 46, 47, 49-51, and 53-56 unpatentable.

3. Applicants respectfully submit that claim 48 is patentable over the combination of Takahara, Kojima and Kumar et al. (US 6,624,833, "Kumar") under 35 USC 103(a).

Claim 48 depends from claim 45.

Kumar fails to disclose or suggest the features of claim 45 missing from the combination of Takahara and Kojima argued above, that is:

determining the positions of a set of at least two alternatives on a virtual arcuate area surrounding an actual user on the basis of their direction with respect to the user so that the locations of the positions remain substantially the same with respect to the user irrespective of the location of the user;

recognizing a first movement of a body member of the user to a sector on the virtual arcuate area surrounding the user, the sector corresponding to a desired alternative;

recognizing a second movement in the sector corresponding to the desired alternative;
and

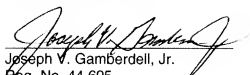
in response to the second movement, recognizing a selection of the desired alternative as completed,

Therefore, the combination of Takahara, Kojima and Kumar fails to render claim 48 unpatentable.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


Joseph V. Gamberdell, Jr.
Reg. No. 44,695

13 November 2009
Date

Perman & Green, LLP
99 Hawley Lane
Stratford, CT 06614
(203) 259-1800
Customer No.: 2512